

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

**SPECIALTY SURFACES INTERNATIONAL
INC., d/b/a/ SPRINTURF,**

No. C 05-00709 SI

Plaintiff,

ORDER GRANTING PLAINTIFF'S REQUEST FOR ATTORNEYS' FEES

FOREVER GREEN ATHLETIC FIELDS, INC.,
et al..

Defendants.

By order filed December 20, 2005, the Court granted defendant Forever Green Athletic Fields, Inc.'s motion to set aside the entry of default. The Court also granted plaintiff's request for attorneys' fees and costs associated with preparing the application for entry of default as well as a joint case management conference statement with defendant Marin Catholic. As directed by that order, plaintiff's counsel has submitted declarations detailing these fees and costs, which total \$5,400.

“By conditioning the setting aside of a default, any prejudice suffered by the non-defaulting party as a result of the default and the subsequent reopening of the litigation can be rectified.” *Nilsson, Robbins, Dalgarn, Berliner, Carson & Wurst v. Louisiana Hydrolec*, 854 F.2d 1538, 1546 (9th Cir. 1988) (internal citation omitted). The Court finds that the fees and costs sought by plaintiff are reasonable, and that payment of these fees and costs by defendant will rectify any prejudice suffered by plaintiff. Accordingly, the Court awards plaintiff attorney’s fees and costs in the amount of \$5,400.

IT IS SO ORDERED.

Dated: January 13, 2006

Susan Illston
SUSAN ILLSTON
United States District Judge